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Attorneys for Defendants and Claimant.  
BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and  
Claimant, F/V POINT LOMA Fishing Company, Inc.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.,

Plaintiff,

v.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and,  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8 foot long fishing vessel, her engines,  
tackle, furniture apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

No. C-07-2952-WHA

**DEFENDANTS' PRETRIAL  
DISCLOSURES PURSUANT TO FED.  
R. CIV. P. 26(a)(3)**

**Trial Date: May 14, 2008**

**Time: 7:30 a.m.**

**Place: Courtroom 9, 19th Floor**

Defendants Barry Cohen, Chris Cohen, and counterclaimant F/V Point Loma, Inc.

("Defendants") submit the following disclosures pursuant to Fed. R. Civ. P. 26(a)(3):

**I. IDENTIFICATION OF WITNESSES**

Defendants may call the following witnesses at trial:

1. Barry A. Cohen, Party - Defendant
2. Christene Cohen, Party - Defendant (by designation of deposition)
3. Captain David Allan Kobak, PO Box 314, Bodega Bay, CA 94293 (Tel:

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707.592.3931)

4. Joe Roggio, 331 Ford St., Watsonville, CA 95076 (Tel: 831.763.3003)
5. Joe Cappuccio, 331 Ford St., Watsonville, CA 95076 (Tel: 831.763.3003)
6. Michael Cohen (by designation of deposition), Olde Port Fisheries, Pier 3, Port San Luis Pier, Avila Beach, CA 93424 (Tel: 805.595.9456)
7. Leonard Cohen (by designation of deposition), Old Port Inn Restaurant, Pier 3, Port San Luis Pier, Avila Beach, CA 93424 (Tel: 805.595.2515)
8. David Cantrell (by designation of deposition), 1108 E Grand Ave, Arroyo Grande, CA 93420 (Tel: 805.481.2280)

## II. DESIGNATION OF DEPOSITION TESTIMONY

Defendants may designate the depositions of the following witnesses who are unavailable to appear at trial:

1. Testimony of Chris Cohen, *Del Mar Seafoods v. Cohen*, January 11, 2008
2. Testimony of David Cantrell, *Del Mar Seafoods v. Cohen*, December 27, 2007
3. Testimony of Michael Cohen, *Del Mar Seafoods v. Cohen*, January 8, 2008
4. Testimony of Leonard Cohen, *Del Mar Seafoods v. Cohen*, January 10, 2008
5. Testimony of Joe Cappuccio, *Del Mar Seafoods v. Cohen*, December 14, 2007 (to extent he is unavailable to testify at trial)
6. Testimony of Joe Roggio, *Del Mar Seafoods v. Cohen*, December 13, 2007 (to extent he is unavailable to testify at trial)

## III. EXHIBITS TO BE PRESENTED

Defendants expect to offer the following exhibits at trial:

1. Del Mar Seafoods, Inc. Schedule of Payments, DMSI 0001
2. General Index or Abstract of Title, DMSI 0057-0062
3. Bill of Sale, DMSI 0063-64
4. Promissory Note, DMSI 0098-100
5. First Preferred Mortgage, DMSI 0101-0110

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6. Del Mar Seafoods, Inc. Schedule of Payments, DMSI 0111/ Exhibit 21 to deposition of J. Roggio, December 13, 2007
7. Certificate of Documentation, COHEN 00001
8. 2007 Federal Pacific Coast Groundfish Permit, COHEN 00002
9. NOAA letter, dated 7/3/07, COHEN 00003
10. Checks to Del Mar, COHEN 00004-8
11. Del Mar Seafoods, Inc. Schedule of Payments, COHEN 00009/Exhibit 20 to Deposition of J. Roggio, December 13, 2007.
12. Certificate of Revivor, COHEN 00010
13. Assignment of Joint Venture Interest, COHEN 00014-15
14. Settlement Sheets, COHEN 000020, 22, 25, 28, 33, 36, 39, 41, 43, 47, 51, and 55
15. Receipts for income and expenses for trips prior to arrest, 13/31/06-6/4/07, COHEN 00016-00055
16. Email, COHEN 00056-57
17. Trips by the Month, COHEN 00676-677
18. Calculation of net income by trip, pre and post arrest, COHEN 00678-718
19. Certificates of Insurance, 2003-2008, COHEN 751-758, 760-763
20. Log Trawl Book, 1/06-9/26/07, COHEN 764-835
21. Log Trawl sheets, 10/8/07-12/12/07, COHEN 836-842
22. Receipts for income and expenses for trip after arrest, 8/31/07-12/13/07, COHEN 843-902
23. Travel Expenses to San Francisco, 8/07-1/08, COHEN 903-917
24. Payments to captain and crew during arrest, COHEN 918; 920-926
25. Travel Expenses to San Francisco, 4/08, COHEN 935 (attached as Exhibit 1 to these Pretrial Disclosures)
26. Plaintiff's Verified Admiralty and Maritime Complaint, C07-2952 WHA (June 7, 2007)

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27. Warrant for the Arrest of the Vessel, C07-2952 WHA (June 7, 2007)
  28. Order on Plaintiff Del Mar Seafoods, Inc.'s Ex Parte Application for Arrest of Vessel, C07-2952 WHA (June 7, 2007)
  29. Order Granting Motion to Vacate Order of Arrest, C07-2952 (August 16, 2007)
  30. Plaintiff's Responses to Defendants' Requests for Admissions, Set One
  31. Plaintiff's Responses to Defendants' First Set of Interrogatories
  32. Declaration of Joe Roggio in Support of Plaintiff's Motion for Summary Judgment or Alternatively, Partial Summary Judgment
  33. Declaration of Joe Roggio in Support of Plaintiff's Opposition to Motion to Vacate Order of Arrest
  34. Declaration of Joe Cappuccio in Support of Plaintiff's Opposition to Motion to Vacate Order of Arrest
  35. Schedule of Payments, Exhibit 27 to deposition of J. Roggio, taken December 13, 2007
  36. Schedule of Payments, Exhibit 28 to deposition of J. Roggio, taken December 13, 2007
- The above list does not include evidence to be offered solely for the purpose of

impeachment.

DATED this 18<sup>th</sup> day of April, 2008.

Respectfully submitted,

/s/ Gwen Fanger  
James P. Walsh  
Gwen Fanger

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendants, BARRY COHEN,  
CHRIS COHEN, F/V POINT LOMA and the  
F/V POINT LOMA FISHING COMPANY,  
INC.

# EXHIBIT 1

# Travel Expense Claim Form

(NOTE: Instructions on reverse side. For current past dates  
refer see the back of this form or visit the PPMC website at:  
<http://www.ppmc.org/corporations/revd.htm>

4/9/08 - 4/10/08

Time Period:

**ಪ್ರಾಚೀನ ಇತಿಹಾಸ**

BARRY OWEN

## အချုပ်အခြားချက်

Date	Travel Origination	Travel Destination	Private Car		Meals				Lodging	Total	PFMC Use
			No. of Miles	Total at 48¢/M	Breakfast	Lunch	Dinner	Total Meals			
4/9/68	Santa Maria	San Francisco	265	128.53					64.00	169.86	362.39
4/10/68	San Francisco	Santa Maria	265	128.53					64.00	192.53	
4/10/68	TAXI - \$10 EACH WAY										
	Total 20.00										

NOTE: Remember to attach receipts for: lodging, airline ticket or itinerary showing flight information and price, and any miscellaneous cost items over \$25. File claims within 30 days of completion travel.

**NOTE:** Remember to attach receipts for lodging, airline ticket or itinerary showing flight information and price, and any miscellaneous cost items over \$25. File claims within 30 days of completed travel.

Under penalty of perjury and fraud, I claim the above expenses were incurred by me in conducting official business for the Pacific Fishery Management Council. I have not and will not receive reimbursement of claimed expenses from any other source.

Signature of Claimant 4/18/08  
Date

**ନିମ୍ନଲିଖିତ ଗ୍ରନ୍ଥଗୁଡ଼ିକ**

## Proof of Service

I, Robin Huey, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of San Francisco, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

I caused to be served the following documents:

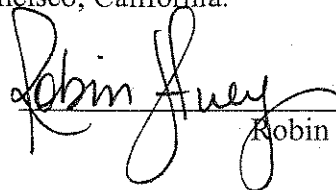
### DEFENDANTS' PRETRIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(3)

I caused the above documents to be served on each person on the attached list by the following means:

- ☒ I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office on **April 18, 2008**, following the ordinary business practice.  
(Indicated on the attached address list by an [M] next to the address.)
- ☐ I enclosed a true and correct copy of said document in an envelope, and placed it for collection and mailing via Federal Express on \_\_\_\_\_, for guaranteed delivery on \_\_\_\_\_, following the ordinary business practice.  
(Indicated on the attached address list by an [FD] next to the address.)
- ☐ I consigned a true and correct copy of said document for facsimile transmission on \_\_\_\_\_.  
(Indicated on the attached address list by an [F] next to the address.)
- ☐ I enclosed a true and correct copy of said document in an envelope, and consigned it for hand delivery by messenger on \_\_\_\_\_.  
(Indicated on the attached address list by an [H] next to the address.)
- ☐ A true and correct copy of said document was emailed on \_\_\_\_\_.  
(Indicated on the attached address list by an [E] next to the address.)

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business.

Executed on **April 18, 2008**, at San Francisco, California.

  
 Robin Huey

**Service List**

Key: [M] <b>Delivery by Mail</b>	[FD] Delivery by Federal Express	[H] Delivery by Hand
[F] Delivery by Facsimile	[FM] Delivery by Facsimile and Mail	[E] Delivery by Email

[M] Gregory W. Poulos Attorney for Plaintiff  
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